

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DOLLY E. FERESEE, for herself and  
others similarly situated,  
Plaintiff,**

v.

**NYCOLE MACKLIN,  
SCOTT A. PETRI, II,  
DENNIS G. WELDON, JR.,  
PHILADELPHIA PARKING  
AUTHORITY,  
MICHAEL GIUNTA,  
CITY OF PHILADELPHIA,  
JOHN DOE NO. 1,  
JOHN DOE NO. 2, and  
OMIKA BARNES,**

**Defendants.**

**CIVIL ACTION**

**NO. 22-1155**

**O R D E R**

AND NOW, this 27th day of June, 2023, upon consideration of Defendants Michael Giunta, Omika Barnes, and the City of Philadelphia's Motion to Dismiss Plaintiff's Second Amended Class-Action Complaint (ECF No. 30), Defendant Philadelphia Parking Authority's Motion to Dismiss Second Amended Complaint (ECF No. 31), the responses thereto (ECF Nos. 32, 34–35), and for the reasons set forth in the accompanying Memorandum, **IT IS ORDERED** that Defendants' Motions (ECF Nos. 30–31) are **GRANTED IN PART** and **DENIED IN PART** to the following extent:

1. The claims against the Individual Defendants Nycole Macklin, Scott A. Petri, Dennis G. Weldon, Jr., Omika Barnes, and Michael Giunta are **DISMISSED WITH PREJUDICE**.
2. The Section 1983 procedural due process claim is **DISMISSED WITH PREJUDICE** against PPA only.

3. The City's motion to dismiss the Section 1983 procedural due process claim is **DENIED**.

4. Both Defendants' motions to dismiss the declaratory judgment claim are **GRANTED**.

**BY THE COURT:**

/s/ Hon. Kelley B. Hodge

**HODGE, KELLEY B., J.**